

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA §
§
v. § CRIMINAL NO. 4:14-CR-48 RWS/KPJ
§
JENNIFER FIELDER (2) §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 23, 2017, to determine whether Defendant violated her supervised release. Defendant was represented by Denise Benson. The Government was represented by Ernest Gonzalez.

On April 1, 2015, Defendant was sentenced by the Honorable Robert W. Schroeder, United States District Judge, to a sentence of twenty-four (24) months imprisonment followed by a three (3) year term of supervised release for the offense of Possession of Counterfeit Obligations. Defendant began her term of supervision on November 4, 2015.

On June 15, 2017, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 109). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall refrain from any unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days

of each month; (4) Defendant shall notify the probation officer ten days prior to any change of residence or employment; and (5) Defendant shall abstain from the use of alcohol during the term of supervision.

The Petition alleges that Defendant committed the following violations: (1) On or about September 29, 2016, and for several consecutive days, Defendant admitted verbally and in writing to using heroin, methamphetamine, GHB, and alcohol; (2) On December 19, 2016, Defendant submitted a urine specimen that tested positive for methamphetamine. The specimen was confirmed by Alere Toxicology Services, Inc.; (3) Defendant failed to submit a monthly report for the months of April and May, 2017, as instructed. On May 5, 2017, Defendant failed to report to the U.S. Probation Office, Plano, as instructed; (4) During March 2017, Defendant was given permission to relocate to Bowie, Texas, and her supervision was accepted by the U.S. Probation Office in Wichita Falls, Texas. On or about April, 2017, Defendant left Bowie and reported she was going to reside with her parents in Aubrey, Texas. It was determined Defendant failed to reside in Aubrey and her whereabouts were unknown until June 13, 2017, when Defendant was arrested in Denton, Texas, on a State of Texas parole violation warrant; and (5) On April 19, 2016, Defendant's conditions of supervision were modified for alcohol abstinence. On June 17, 2016, Defendant submitted a urine specimen that was confirmed positive for alcohol use by Redwood Toxicology. On or about September 29, 2016, Defendant consumed alcohol per her verbal and written admission on October 6, 2016.

At the hearing, Defendant entered a plea of true to Allegations 1 and 2. Defendant waived her right to allocute before the district judge and her right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of her supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the June 23, 2017, hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months, with five (5) months to be served in the Bureau of Prisons and five (5) months to be served in a halfway house, with twenty-four (24) months supervised release to follow.

SIGNED this 27th day of June, 2017.



KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE